

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DANIELLE ROSENFELD and VINCENT
GARCIA on behalf of themselves and all others
similarly situated,

Plaintiffs,

18 CV 6720 (NGG) (PK)

-against-

TARA LENICH; CITY OF NEW YORK;
LUSHAWN M. THOMPSON, AS
ADMINISTRATOR OF THE ESTATE OF
KENNETH P THOMPSON; ERIC GONZALEZ;
MARK FELDMAN; WILLIAM SCHAEFFER;
BRIAN DONOHUE; WILLIAM POWER;
MICHAEL DOWLING; JOSEPH PIRAINO; AND
ROBERT KENAVAN,

Defendants.

DECLARATION OF DANA BOUB

I, Dana Boub, hereby affirm and state as follows:

1. I am a project manager for RG/2 Claims Administration LLC (“RG/2 Claims”), whose address is 30 South 17th Street, Philadelphia, PA 19103. I am over the age of 18, have personal knowledge of the matters set forth herein, and if called upon to do so, could testify competently to them.

2. RG/2 Claims is a full service class action settlement administrator offering notice, claims processing, allocation, distribution, tax reporting, and class action settlement consulting services. RG/2 Claims’ experience includes the provision of notice and administration services for settlements arising from antitrust, consumer fraud, civil rights, employment, negligent

disclosure, and securities fraud allegations. Since 2000, RG/2 Claims has administered and distributed in excess of \$1.2 billion in class action settlement proceeds.

3. RG/2 Claims was retained to, among other tasks, a) skip-trace phone numbers to obtain addresses for potential Class Members, b) prepare, print and mail Notices to all potential Class Members; c) receive and process completed Claim Forms; d) prepare weekly activity reports for Class Counsel; e) handle inquiries from and correspondence to Settlement Class Members; f) re-mail Notices; g) skip-trace undeliverable addresses; h) calculate and issue Settlement payments to valid Claimants; and i) conduct such other tasks as the Parties mutually agree or the Court orders RG/2 Claims to perform.

4. On February 5, 2021, RG/2 Claims received an electronic file from Counsel for the Defendants, which represented the list of phone numbers that had been intercepted during the wiretap. After extensive review and manipulation of the data contained in the electronic file, and communication with counsel for the Defendants, it was determined that there were 286 unique phone numbers intercepted.

5. RG/2 Claims then used skip tracing, including credit bureau data and google searches, to try to identify names, addresses, and email addresses associated with each of the 286 unique phone numbers. We were initially able to identify 230 addresses for the 286 intercepted phone numbers.

6. On March 25, 2021, RG/2 Claims caused to be mailed, by First-Class mail, Notice and Claim Form packages to the 230 addresses we initially identified. A copy of the Notice and Claim Form package is attached hereto as Exhibit "A."

7. Subsequent to the original mailing, 7 additional Class Members' addresses were identified and Notice and Claim Form packages were mailed to them, by First-Class mail, prior to the claim form deadline.

8. On March 25, 2021, RG/2 Claims caused to be emailed Notice and Claim Form packages to 92 Class Members whose email addresses were provided by Counsel. A copy of the emailed Notice and Claim Form package is attached hereto as Exhibit "B."

9. Beginning on March 25, 2021, RG/2 Claims arranged for a series of text messages to be sent to all 286 phone numbers identified as intercepted. These text messages provided a link to the Settlement Website, where the Notice and Claim Form were posted. Text messages were sent March 25, 2021, April 1, 2021, and June 16, 2021. A copy of the text message scripts are attached hereto as Exhibit "C."

10. RG/2 Claims made 2 rounds of phone calls to all 286 numbers identified as intercepted. A copy of the phone script is attached hereto as Exhibit "D." After making phone calls to all 286 Original Class Members, RG/2 Claims identified 39 Class Members for whom names and mailing addresses had not been identified and whose phone numbers were non-working or non-responsive.

11. The Settlement website, www.wiretapclassaction.com, was created by RG/2 Claims and the website (*i.e.*, Homepage, Court Documents, etc.) went live on March 25, 2021. This website allowed potential Class Members to obtain information regarding the Settlement. The Settlement website consists of a Homepage, a Notice/Claim Form page, a Settlement Filings page, a Frequently Asked Questions Page, and a Contact Information page. A printout of the Homepage is attached hereto as Exhibit "E."

12. The Settlement website allowed Class members to file a claim electronically using the unique login and password that were included in the mailed Claim Form, the text messages that were sent, and the emailed Notice.

13. Subsequent to mailing the Notices, a total of 20 mailed Notices were returned by the United States Postal Service as undeliverable. One (1) Notice was returned with a forwarding address from the Postal Service and RG/2 Claims immediately re-mailed it to the current address. RG/2 also then performed a standard skip trace and was able to re-mail an additional 7 Notices to Class members for whom an updated address was located. A total of 12 Notice packets remained undeliverable.

14. The Notice informed Class Members of their right to request exclusion from the settlement, provided the request is received or postmarked on or before June 23, 2021. To date, RG/2 Claims has received zero Requests for Exclusion from the Settlement.

15. The Notice also informed Class Members of their right to object to the Settlement, provided the objection is received or postmarked on or before June 23, 2021. To date, RG/2 Claims has not received or been advised of any objections to the settlement.

16. On July 13, 2021, RG/2 Claims was informed by counsel for the parties of additional intercepted phone numbers that needed to be searched, mailed, emailed and texted. There were 45 additional intercepted numbers identified. These numbers were listed in the original data provided by counsel for the Defendants as associated with unanswered phone calls and were therefore excluded from the initial class list. Upon further investigation, however, counsel for the parties determined that these phone numbers were associated with intercepted voicemails, making them part of the class.

17. RG/2 Claims used skip tracing and information provided by the parties to try to identify names and addresses associated with these additional 45 numbers. RG/2 Claims was able to identify 18 addresses from these additional 45 numbers.

18. During the week of July 23, 2021, RG/2 Claims caused to be mailed, by First-Class mail, Notice and Claim Form packages to those 18 Class Members. The Claim Form, exclusion and objection deadlines were extended to September, 6, 2021. A copy of the Notice and Claim Form package is attached hereto as Exhibit "F."

19. On July 19, 2021, RG/2 Claims arranged for a text message to be sent to the 45 additional numbers identified as intercepted. The text message included a unique login and password to file a claim electronically. *See* Ex. C.

20. On July 23, 2021, RG/2 Claims caused to be emailed Notice and Claim Form packages to 10 of the 45 Class Members whose phone numbers were part of the additional numbers identified and for whom we could identify email addresses.

21. In total, RG/2 Claims caused Notice and Claim Form packages to be mailed by First-Class mail to 255 Class Members, to be sent via email to 102 Class Members, and to be sent via link in a text message to 331 Class Members.

22. As of the date of this declaration, RG/2 Claims has received 159 valid claim forms, with a maximum award total of \$1,268,500, including the anticipated service awards of \$15,000 to each Named Plaintiff.

- a. 51 Claims were filed with 1 interception for a Maximum Award of \$6,000.
- b. 70 Claims were filed with between 2-10 interceptions for a Maximum Award of \$7,500.

c. 32 Claims were filed with between 11-100 interceptions for a Maximum Award of \$10,000.

d. 6 Claims were filed with between 101+ interceptions for a Maximum Award of \$15,000.


23. Of the 159 valid claim forms received to date, 10 were completed by Class Members who were part of the 45 additional numbers identified as intercepted in July. In the event that the 35 remaining members of the group of 45 additional class members file a valid claim form by September 6, 2021, they would be eligible for a combined maximum award of \$268,000, and the total maximum award for the entire class, including the service awards of \$15,000 to each Named Plaintiff, would be \$1,536,500.

24. Using the formula set out in the Settlement Agreement, RG/2 Claims has calculated that, based on claim forms submitted to date, each Award Unit will have a value of \$1,000. If all 35 remaining members of the group of 45 additional class members file valid claim forms, each Award Unit will continue to have a value of \$1,000.

25. RG/2 Claims estimates that the administrative costs for this settlement will not exceed \$50,000.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge the foregoing is true and correct.

Executed on August 20, 2021 at Philadelphia, Pennsylvania.

A handwritten signature in black ink, appearing to read "Dana Boub", is written over a horizontal line.

Dana Boub